

**RESOLUTION NO. 13-2012**

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING A RECOMMENDATION AND FINDINGS FOR A REQUESTED REZONE AT 18311 BOLLINGER CANYON ROAD IN THE UNINCORPORATED SAN RAMON AREA OF SAID COUNTY.**

WHEREAS, on September 9, 2010, Charles and Lorraine Farr (Applicant & Owner) submitted an application (County File #RZ10-3216) for a request to rezone three properties (Parcel A 26.14 acres, Parcel B 20.34 acres and Parcel C 25.82 acres) (Assessor Parcel Number's 199-030-060, 061 and 062) located at 18311 Bollinger Canyon Road in the unincorporated San Ramon area from A-4 Agricultural Preserve District to A-2 General Agricultural District; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Negative Declaration ("Initial Study") was prepared by the Department of Conservation & Development to determine the scope of the project's environmental impacts and whether or not an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified no potentially significant environmental impacts related to the project; and

WHEREAS, on April 6, 2012, the Department of Conservation & Development published a Notice of Intent to Adopt a Negative Declaration, which recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and began the period for public review and comments on the adequacy of the environmental documentation that ended on April 30, 2012; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, September 11, 2012, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on September 11, 2012, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission recommends that the Board of Supervisors:

1. FIND, for purposes of compliance with the provisions of CEQA and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.

In making this recommendation the County Planning Commission certifies that it has been presented with the Initial Study, and that it has reviewed and considered the information contained in the Initial Study and the other pertinent information in the administrative record. The County Planning Commission further certifies that the Initial Study reflects the County's independent judgment and analysis, and that the Initial Study has been completed in compliance with CEQA regulations.

2. ADOPT a motion to rezone the subject property, Parcels A, B and C of County File #MS90-141, from A-4 Agricultural Preserve District to A-2 General Agricultural District.

BE IT FURTHER RESOLVED that the County Planning Commission finds that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Code § 26-2.1806 to allow approval of the proposed rezone as follows:

A. Growth Management Performance Standards

1. Traffic: The parcels are accessed via private easement. Approval of the project would allow for the establishment of one single-family residence and one residential second unit by right per legal lot. Thus, there would be no significant impact to area streets or intersections and no traffic report is required.
2. Water: The subject site currently does not have water service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of wells.
3. Sewage: The subject site currently does not have sewer service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of septic systems.
4. Fire Protection: The subject site receives fire protection services from the San Ramon Valley Regional Fire Protection District. Simply rezoning the site would not impact fire protection services because adequate fire protection improvements and fees are typically required when physical development occurs.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a minor subdivision, as were the subject properties.
6. Parks and Recreation: Approval of the proposed project would not substantially increase the population and therefore would not increase the demand for neighborhood parks and recreation facilities.
7. Flood Control and Drainage: The site is located in a Special Flood Hazard Area but no drainage improvements are required because no development is proposed. If drainage improvements were ever necessary, they would be required to comply with the requirements of the County Building/Grading Division and may require a Flood Plain Permit.

B. Rezone Findings

1. Required Finding: The change proposed will substantially comply with the general plan.

*Project Finding: The Agricultural Lands (AL) General Plan land use designation is consistent with all agricultural zoning districts. Rezoning the subject site from A-4 Agricultural Preserve District to A-2 General Agricultural District is consistent with the intent and purpose of the Urban Limit Line and the 65/35 Land Preservation Standard because the subject property would continue to be zoned for agricultural, non-urban uses. The General Plan contains no area-specific policies for the Bollinger Canyon area. Rezoning the site from A-4 to A-2 is consistent of the goals and policies contained in the various elements of the General Plan related to preservation of agricultural lands and protection of open space. For these reasons, approval of the rezoning would substantially comply with the General Plan.*

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and with uses authorized in adjacent districts.

*Project Finding: The subject properties are bordered on the north and east sides by land zoned A-4, and on the west side by land zoned A-2. Alameda County borders the site on the south side. Most of the uses allowed in the A-2 and A-4 districts are the same or similar. Thus, the uses allowed in the A-2 zone are found to be compatible with uses authorized in adjacent agricultural districts.*

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

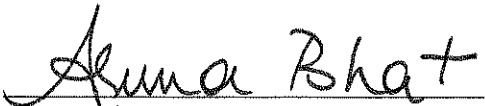
*Project Finding: Approval of County File #RZ75-1925 rezoned the subject property from A-2 to A-4 prior to the site entering into a Williamson Act contract. The contract expired in 2006 and thus there is no need for the property to be zoned A-4. The property is bordered on all sides by properties zoned A-2 and A-4 and these zones are prevalent in the surrounding area. Rezoning the site to A-2 is therefore justified.*

The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, September 11, 2012, by the following vote:

AYES:	Commissioners -	Clark, Peterson, Sloan, Snyder, Stewart, Terrell
NOES:	Commissioners -	None
ABSENT:	Commissioners -	Steele
ABSTAIN:	Commissioners -	None

Marvin Terrell,  
Chair of the Planning Commission,  
County of Contra Costa, State of California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on September 11, 2012.

ATTEST:   
Aruna Bhat,  
Secretary of the Planning Commission  
County of Contra Costa, State of California